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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,973	09/25/2003	Ki Won Kim	1630-0425PUS1	8103
2292 7590 05/12/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
LU'ONG, ALAN H				
ART UNIT		PAPER NUMBER		
2427				
NOTIFICATION DATE		DELIVERY MODE		
05/12/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/670,973

Applicant(s)

KIM ET AL.

Examiner

ALAN LUONG

Art Unit

2427

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 May 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-7, 11, 16, 18-20, 50-55, 60, 65 and 67-71.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see continuation sheet note 11.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427

/ALAN LUONG/
Examiner, Art Unit 2427

Note 11: Applicant's arguments filed 03 May, 2010 have been fully considered but they are not persuasive;

Applicant contends that Mages does not teach or suggest that "analyzing connection information recorded on the storage medium to determine whether a connection to the remote server is permitted, if the connecting to the remote server is required." as set forth in claim 1, and Mages's enabling data or critical data is different from the recited additional contents of claim 1 (Remark, pages 10-11). Examiner respectfully disagrees.

Examiner relies on a storage medium (i.e. DVD-ROM [10]) of Mages is Hyper-DVD is one allowing interaction with additional contents" (not from the service-provider), (Mages, col. 3 lines 18-col. 4 line 3); Fig. 3B shows the Hyper-DVD-player software determines if the code or codes which are stored on DVD disk (as connection information recorded on the storage medium); indicate a Hyper-DVD or a non-Hyper DVD-ROM, if the code or codes indicate a Hyper-DVD, then the software of the DVD-player communicates with a remote server (such as an Internet server or cable-TV provider). The player-software seeks permission (connecting to a remote server is required) from the service-provider for downloading of the missing, critical data, because Hyper-DVD player of the customer's computer or cable box, has received the missing, critical data, the critical data is merged with the crippled, or encrypted, data on the Hyper-DVD-ROM (block 64); the uncrippled software of Hyper DVD-ROM is read by DVD player for playback: (Mages, col. 4 lines 20-41). Therefore, Mages explicitly teaches the Hyper DVD-ROM software stored in DVD disk for "analyzing connection information recorded on the storage medium to determine whether a connection to the remote server is permitted, if the connecting to the remote server is required." as set forth in claim 1.

With respect to argue that Mages's enabling data or critical data is different from the recited additional contents of claim 1. Examiner clarifies Mages teaches when the storage medium is not DVD ROM, other large-storage disks, such as laser disks, video disks, etc. in this case, the code on the DVD-ROM for indicating that it is a Hyper-DVD requiring a verification key or password from a service-provider; (Mages, col. 4 lines 61-col. 5 line 4) Therefore, Mages's enabling data or critical data is the same to the recited additional contents of claim 1.

Specifically, Applicant respectfully submitted that Kanezawa fails to disclose or suggest that the connection information is recorded on the storage medium that also has data to be reproduced recorded thereon, and fails to disclose or suggest that the connection information is analyzed to determine whether the access to the remote server is required because the parental information and telephone number information is set in the system, which is irrelevant to the storage medium or the reproduced data. In other words, the parental information and telephone number information are not recorded on a storage medium. (Remark, pages 12-13). Examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As discussed above Mages teaches the connection information is recorded on the storage medium as parental code to determine DVD player to be required to connect to Internet, but fails to teach "the connection information comprising a list of servers to which the media player may or may not connect; if the connecting to the remote server is required". Kanezawa remedies the missing of Mages in teaching the parental level information as access information or link [30] which is stored in Information management table [40b] in DVD disk [40] of Fig. 2 (col. 5 lines 10-17, lines 47-col. 6 line 30). Therefore, the parental information and telephone number information is set in the system, which is relevant to the storage medium or the reproduced data. In other words, the parental information and telephone number information are recorded on a storage medium. Therefore, it would have been obvious to one with ordinary skill in the art to combine the parental level information as access information or link information as taught by Kanezawa with the connection information of Mages to remedy the deficiency of Mages.

Therefore, it is respectfully submitted that a prima facie case of obviousness has in fact been established and the rejection should be sustained.

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